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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,501	11/28/2000	Dave McDysan	RIC00043	7593

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TECHNOLOGY LAW DEPARTMENT
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EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/723,501	Applicant(s) MCDYSAN ET AL.	
	Examiner Avi Gold	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04, 7/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on June 25, 2004 has been entered and fully considered.

Response to Amendment

1. Claims 2-6, 9, 20-24, 27, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer et al., U.S. Patent No. 5,058,056, further in view of Raghunandan, U.S. Patent No. 6,775,689.

Hammer teaches the invention as claimed including a computer system which requires backup over workstations and workload of the computer system (see abstract).

As to claim 37, Hammer teaches an external processor for a network access system having a programmable access device, said external processor comprising:

a service controller that provides at least one service for network traffic (col. 2, lines 55-68; col. 3, lines 1-29; Hammer discloses a workstation controller);

a message processor that processes network messages for service processing by the service controller (col. 2, lines 55-68; col. 3, lines 1-29; Hammer discloses message controllers executing commands sent from host systems); and

a programmable access device controller that programs an associated programmable access device in response to service controller processing (col. 2, lines 55-68; col. 3, lines 1-29; Hammer discloses primary and secondary modes being set).

Hammer fails to teach the limitation further including a message processor configured to parse a message for determining a type of communication service; and a service controller configured to receive the message if the type of communication service corresponds to the service controller, wherein the service controller determines a policy based on the message and generates a control signal according to policy.

However, Raghunandan teaches a system for reordering, merging selected parts of email messages, the actions being performed individually or collectively to structure the email in a desired manner prior to transmitting to a plurality of recipients (see abstract). Raghunandan teaches the use of a parsing mechanism for identifying email content segments and transmission control directives provided by the user with a constructing mechanism that uses said directives and segments for constructing output email messages (col. 4, lines 4-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Raghunandan to use a message processor configured to parse a message for determining a type of communication service; and a service controller configured to receive the message if the type of communication service corresponds to the service controller, wherein the service controller determines a policy based on the message and generates a control signal according to policy. One would be motivated to do so because it would allow commands for the PAD to be sent by the customer router.

Regarding claim 2, Hammer teaches the external processor of claim 37, wherein the external processor includes a plurality of service controllers including said service controller, wherein each of said plurality of service controllers implements a respective one of a plurality of services (col. 1, lines 47-68; col. 2, lines 1-3; Hammer discloses a primary and secondary workstation controller).

Regarding claim 3, Hammer teaches the external processor of claim 2, wherein the plurality of service controllers includes primary and secondary service controllers for a particular service among said plurality of services, and wherein the secondary service controller provides said particular service to said programmable access device if said primary service controller fails (col. 1, lines 47-68; col. 2, lines 1-3; Hammer discloses the secondary workstation controller taking over when the primary workstation controller fails).

Regarding claim 4, Hammer teaches the external processor of claim 2, wherein said plurality of service controllers includes a second service controller in communication with said first service controller such that a network message can be serviced by both of said first service controller and said second service controller (col. 1, lines 47-68; col. 2, lines 1-3).

Regarding claim 5, Hammer teaches the external processor of claim 2, wherein the external processor is coupled to a plurality of programmable access device, and

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wherein at least one of the plurality of service controllers performs selectively service processing for a portion of said plurality of programmable access devices (col. 1, lines 47-68; col. 2, lines 1-3, 55-68; col. 3, lines 1-29; Hammer discloses an active workstation controller).

Regarding claim 6, Hammer teaches the external processor of claim 37, wherein the service controller includes means for injecting a packet into a traffic flow handled by the programmable access device (col. 3, lines 60-68; col. 4, lines 1-44; Hammer discloses a message being sent over the network).

Regarding claim 9, Hammer teaches the external processor of claim 37, and further comprising a reporting processor that provides an interface through which a reporting event received from the programmable access device is communicated to the service controller (col. 3, lines 39-68; col. 4, lines 1-12; Hammer discloses events being reported).

Claims 20-24, 27, and 38 do not teach or define any new limitations above claims 2-6, 9, and 37 and therefore are rejected for similar reasons.

2. Claims 7, 8, 10, 11, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer and Raghunandan further in view of Gai et al., U.S. Patent No. 6,167,445.

Hammer teaches the invention substantially as claimed including a computer system which requires backup over workstations and workload of the computer system (see abstract).

As to claims 7 and 8, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including a service policy interface through which the service controller requests policy decisions from a policy server and a policy cache that selectively caches policies obtained from the policy server.

However, Gai teaches a method and apparatus for applying high-level, quality of service policies at dissimilar computer network devices (see abstract). Gai teaches the use of policy servers (col. 5, lines 63-67; col. 6, lines 1-26) and a policy translator with storage (col. 9, lines 59-67; col. 10, lines 1-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Gai to use a service policy interface through which the service controller requests policy decisions from a policy server and a policy cache that selectively caches policies obtained from the policy server. One would be motivated to do so because policy servers allow a set of rules that can be applied to the network and the policy cache allows for those rules to be more quickly accessible.

Claims 25 and 26 do not teach or define any new limitations above claims 7 and 8 and therefore are rejected for similar reasons.

As to claims 10 and 11 Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including a signaling controller that transmits signals, that specify a quality of service, to configure network hardware to provide network connections.

However, Gai teaches a method and apparatus for applying high-level, quality of service policies at dissimilar computer network devices (see abstract). Gai teaches the use of signals with a quality of service (col. 6, lines 27-67; col. 7, lines 1-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Gai to use a signaling controller that transmits signals, that specify a quality of service, to configure network hardware to provide network connections. One would be motivated to do so because signals with a specific quality of service help make efficient traffic management decisions.

Claims 28 and 29 do not teach or define any new limitations above claims 10 and 11 and therefore are rejected for similar reasons.

3. Claims 12, 13, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer and Raghunandan further in view of Bullock et al., U.S. Patent No. 6,631,414.

Hammer teaches the invention substantially as claimed including a computer system which requires backup over workstations and workload of the computer system (see abstract).

As to claims 12 and 13 Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising a session management means for causing the programmable access device controller to signal the programmable access device to end a Transport Control Protocol (TCP) session receiving enhanced service and wherein the session management means comprises means for causing the programmable access device controller to signal the programmable access device to delete the TCP session state in response to a session activity level.

However, Bullock teaches incoming and outgoing communications between peer nodes requiring only a single line per dedicated peer (see abstract). Bullock teaches the use of a session manager job event handler that ends and deletes a TCP session in response to a session activity level (col. 8, lines 46-67; col. 9, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bullock to use a service controller comprising a session management means for causing the programmable access device controller to signal the programmable access device to end a Transport Control Protocol (TCP) session receiving enhanced service and wherein the session management means comprises means for causing the programmable access device controller to signal the programmable access device to delete the TCP session state in response to a session activity level. One would be motivated to do so because if there is no activity on a TCP session then it should be ended and deleted so that no more packets will be sent to it.

Claims 30 and 31 do not teach or define any new limitations above claims 12 and 13 and therefore are rejected for similar reasons.

1. Claims 14-18 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer and Raghunandan further in view of Bowman-Amuah, U.S. Patent No. 6,442,547.

Hammer teaches the invention substantially as claimed including a computer system which requires backup over workstations and workload of the computer system (see abstract).

As to claim 14, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising a conference call service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of an automated callback system for call setup and control of a conference call (col. 39, lines 14-67; col. 40, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising a conference call service controller. One would be motivated to do so because it would allow the invention to handle conference calls.

Claim 32 does not teach or define any new limitations above claim 14 and therefore is rejected for similar reasons.

As to claim 15, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising an e-commerce service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of "Next Generation Network" architecture enabling E-Commerce services (col. 14, lines 59-67; col. 15, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising an e-commerce service controller. One would be motivated to do so because it would allow the invention to participate in e-commerce.

Claim 33 does not teach or define any new limitations above claim 15 and therefore is rejected for similar reasons.

As to claim 16, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising an Internet protocol telephony service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of a "Next Generation Network" cable infrastructure that can provide IP based telephony services (col. 19, lines 43-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller

comprising an Internet protocol telephony service controller. One would be motivated to do so because it would allow the invention to handle IP telephony.

Claim 34 does not teach or define any new limitations above claim 16 and therefore is rejected for similar reasons.

As to claim 17, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising a reserved bandwidth service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of a predetermined amount of bandwidth (col. 4, lines 7-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprises a reserved bandwidth service controller. One would be motivated to do so because it would help avoid bandwidth congestion.

Claim 35 does not teach or define any new limitations above claim 17 and therefore is rejected for similar reasons.

As to claim 18, Hammer teaches the method of claim 37.

Hammer fails to teach the limitation further including the service controller comprising a multicast service controller.

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However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use a of Real-Time Transport Protocol for transmission of real-time data over multicast networks (col. 40, lines 34-67; col. 41, lines 1-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising a multicast service controller. One would be motivated to do so because it would allow the invention to multicast.

Claim 36 does not teach or define any new limitations above claim 18 and therefore is rejected for similar reasons.

Response to Arguments

4. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,578,076 to Putzolu.

U.S. Pat. No. 6,219,706 to Fan et al.

U.S. Pat. No. 6,584,508 to Epstein et al.

U.S. Pat. No. 6,161,145 to Bainbridge et al.

U.S. Pat. No. 6,366,577 to Donovan.

U.S. Pat. No. 6,141,686 to Jackowski et al.

U.S. Pat. No. 6,286,052 to McCloghrie et al.

U.S. Pat. No. 5,842,040 to Hughes et al.

U.S. Pat. No. 6,286,035 to Gillis et al.

U.S. Pat. No. 6,311,215 to Bakshi et al.

U.S. Pat. No. 6,304,893 to Gish.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold
Patent Examiner
Art Unit 2157



SALEH NAJJAR
PRIMARY EXAMINER

AMG